

## THE OLIVER GROUP, PLC

---

PROFFESIONAL ASSOCIATION  
ATTORNEYS-AT-LAW  
415 WINSOR OFFICE PLAZA  
1935 WEST COUNTY ROAD B2  
SAINT PAUL, MINNESOTA 55113  
TELEPHONE (651) 636-7960  
FACSIMILE (651) 631-8251  
oliverlawgroup@gmail.com

January 5, 2010

### VIA U.S MAIL

Hon. Donovan W. Frank  
U.S. District Court Judge  
724 Warren E. Burger Federal Building  
316 North Robert Street  
St. Paul, MN 55101

Re: *Lyon Financial Services, Inc., a Minnesota corporation, doing business as USBancorp Business Equipment Finance Group, with its principal offices at Marshall, Minnesota vs. Shyam L. Dahiya, M.D., Inc. et al.*  
United States District Court for the District of Minnesota  
Court File No. 08-CV-05523

Dear Judge Frank:

I am writing this letter on behalf of my clients Shyam Dahiya and his medical corporation and its contents have been reviewed and agreed upon by counsel for Lyon Financial Services, Inc.

At the summary judgment motion in this matter that was heard on December 18, 2009, the Court and counsel discussed the fact that the claims involving my client Dr. Dahiya and Syneron, Inc. had been transferred to federal court in Chicago.

Lyon Financial's claims and the Dr. Dahiya's defenses involve legal issues to be determined by the Court. That summary judgment motion is now pending. The Court stated at the hearing that we would have a phone conference regarding the status of the matter in the week or two after the hearing.

Yet, I understand that at present, you are presiding over a trial this week and that your time is extremely limited.

Meanwhile, the claims involving Syneron have now been assigned to the Hon. Ruben Castillo, in the Northern District of Illinois, Eastern Division, Case NO. 1:-09-cv-07906. Judge Castillo has ordered a status hearing on the matter on January 28, 2010.

Based upon the pending summary judgment motion that may well dispose of all issues in the case in Minnesota as well as the recent order by Judge Castillo, the parties will presume that the settlement conference and the pending trial date, will not take place as scheduled and the parties will await direction from the Court based upon the outcome of its order on the pending summary judgment motion.

Letter to the Hon. Donovan W. Frank  
January 5, 2010  
Page 2

If the Court is not amenable to the foregoing or if it has any questions or would like to discuss these issues, myself and opposing counsel could make ourselves available for a brief phone conference with the Court.

I would be happy to update the Court regarding the status of case before Judge Castillo after the January 28, 2010, status conference.

Very truly yours,

/s/ Karl A. Oliver  
Karl A. Oliver  
KAO/mlm

cc: Troy Kepler, Esq.  
Hon. Jeffrey J. Keyes – United States Magistrate Judge.